

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- x
TREADSTONE 77, INC., and JERRY HAUSER,

Plaintiffs,

- v -

LAWRENCE A. OMANSKY, ROBERT J. BARSCH,
R.R. LOVE LTD. a/k/a LOVE PUBLISHING LTD.,
JAMES BERNARD d/b/a EXPANSION UNION, TVT
MUSIC, INC., WAX TRAX! RECORDS, INC.,
CLERK OF THE UNITED STATES DISTRICT
COURT OF THE SOUTHERN DISTRICT OF NEW
YORK,

Defendants.
----- x

07 Civ. 8454 (RMB)(MHD)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Diana Gusteferri dated November 7, 2007, the Declaration of Li Yu dated November 7, 2007 and the attached exhibits, the accompanying memorandum of law, and all prior proceedings herein, Defendant J. Michael McMahon, Clerk of the United States District Court of the Southern District of New York, will move this Court before the Honorable Richard M. Berman, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure dismissing the claim asserted against McMahon and for such other relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 3(c)(2) of the Civil Rules of this Court, the plaintiffs are required to serve answering affidavits and memoranda, if any, upon the counsel for Defendant McMahon on or before November 21, 2007 and that

Defendant McMahon shall serve reply affidavits and memoranda on or before December 3, 2007.

Dated: New York, New York
November 7, 2007

MICHAEL J. GARCIA
United States Attorney
Attorney for Defendant McMahon

By: s/ Li Yu
LI YU
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007
Tel.: (212) 637-2734
Fax: (212) 637-2686

TO: Noel W. Hauser, Esq.
270 Madison Avenue, 13th Floor
New York, New York 10016
Tel: (212) 688-6400
Attorney for Plaintiffs